IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No. 1591 of 2005
Date of Decision: 7.11.2006

Narender Kumar ...Appellant

Versus

Guljar Singh and others ....Respondents

Coram: Hon'ble Mr. Justice Hemant Gupta.

Present: Shri Pritam Saini, Advocate, for the appellant.
Shri N.S. Dhillon, Advocate, for respondent Nos. 1 to 4.
Shri Jai Bhagwan, Advocate, for
Shri Arun Palli, Advocate, for respondent No.5.

JUDGMENT

This order shall dispose of RSA No. 1591 of 2005 arising out of a suit filed by Narender Kumar-the present appellant and RSA No. 1592 of 2005 arising out of a suit filed by Guljar Singh- the respondent herein.

It has been found that Naranjan Singh was a lessee under the Wakf Board but after the expiry of the lease, the lessee is an unauthorised occupant and, therefore, the leassee is entitled to lease the same to the plaintiff.

A Full Bench of this Court in **Roshan @ Roshan Lal and others vs. The Secretary, Govt. of Haryana, Development and Panchayat Department, Chandigarh and others, 1998(3) PLR 651**, considering the provisions of the Punjab Village Common Lands (Regulation) Act, 1961, has held that after the expiry of the lease the tenant may be unauthorised occupant but he could be lawfully proceeded under the provisions of Section 7 of the said Act.

In view of the said judgment, in the present case, since the possession has not been claimed to have been taken from the lessee in accordance with law, therefore, the lessee cannot be dispossessed forcibly.

In view of the above, I do not find any patent illegality or irregularity in the finding recorded by the Courts below. The plaintiff in RSA No. 1592 of 2005 can be dispossessed after the expiry of lease, in accordance with law.

No substantial question of law arises for consideration.

Consequently, both the appeals are dismissed.

07-11-2006 (HEMANT GUPTA)
ds JUDGE